

Addition to Title 4. Business Regulations
Division 18. California Gambling Control Commission
Chapter 7. Conditions of Operation for Gambling Establishments

Article 6. Program for Responsible Gambling

Section 12460. Article Definitions

For purposes of this Article:

- (a) "Self-Exclusion" means an irrevocable voluntary agreement to be excluded from gambling establishments and all games or gaming activities or privileges and to be prohibited from collecting any winnings or recovering any losses for a specified term. A Self-Exclusion list shall be maintained by the Division and shall not be open to public inspection.
- (b) "Self-Restriction" means an irrevocable voluntary agreement for a specified term to:
 - (1) Completely exclude from a particular gambling establishment and all games or gaming activities or privileges and to be prohibited from collecting any winnings or recovering any losses,
 - (2) Exclude from the play of a particular game or gaming activity, if the gambling establishment determines that such segregation of games is feasible,
 - (3) Restrict the amount of credit and/or check cashing that may occur at that particular gambling establishment, and/or
 - (4) Exclude from any marketing or promotional activities of the particular gambling establishment.

Authority: Sections 19811, 19840, 19841(o), and 19920, Business and Professions Code

Reference: Section 19845, Business and Professions Code

12461. Posting Referral Information

- (a) Each licensee, by July 1, 2007, shall post or provide, at patron gambling entrances or exits, and in conspicuous places in or near gambling areas and any areas where cash or credit are available to patrons, accessible written materials concerning the nature and symptoms of problem gambling and the toll-free telephone number approved by the Office of Problem Gambling (or its successors) that provides information and referral services for problem gamblers, currently "1-800-GAMBLER".
- (b) If the licensee operates a web site for the gambling establishment, by July 1, 2007, that web site shall contain a responsible gambling message and a link to the Office of Problem Gambling (or its successors) that provides information and referral services for problem gamblers, currently "<http://www.problemgambling.ca.gov>".
- (c) If the licensee produces any advertising material, by July 1, 2007, such material shall contain a responsible gambling message and shall refer to the telephone number listed in subsection (a) above and/or the link to the web site listed in subsection (b) above.

Authority: Sections 19811, 19840, 19841(o), and 19920, Business and Professions Code.

Reference: Sections 19801 and 19920, Business and Professions Code. Sections 4369.2 and 4369.4, Welfare and Institutions Code.

12462. Training Requirements

- (a) Each licensee shall implement, by July 1, 2007, procedures to conduct new employee orientations and annual training for all employees, excluding food and beverage servers, who directly interact with gambling patrons in gambling areas.
- (b) New employee orientations and annual training shall be documented, including signatures by the employee and the licensee or key employee who coordinated the training, the date and length of the training, and the name of the trainer, as part of the licensee's application for renewal. Copies of this documentation shall be kept in an employee's personnel file for a minimum of five years.
- (c) The training shall, at a minimum, consist of information concerning the nature and symptoms of problem gambling behavior, assisting patrons in obtaining information about problem gambling programs, and information on the self-restriction and self-exclusion programs.
- (d) Each licensee shall designate personnel responsible for maintaining the program and addressing the types and frequency of such training and procedures.
- (e) This section shall not be construed to require employees to identify problem gamblers.

Authority: Sections 19811, 19840, 19841(o), and 19920, Business and Professions Code.

Reference: Sections 19801 and 19920, Business and Professions Code. Sections 4369.2 and 4369.4, Welfare and Institutions Code.

12463. Self-Restriction Program

- (a) Licensees shall implement, by July 1, 2007, a program that allows patrons to self-limit their access to the gambling establishment entirely, or to the issuance of credit, check cashing, or marketing by that licensee. Such program shall contain, at a minimum, the following:
 - (1) The development of written materials for dissemination to patrons explaining the program;
 - (2) The development of written forms allowing patrons to participate in the program, which may include use of a form entitled "Self-Restriction Form" CGCC-036 (New 09-06), attached in Appendix A to this Chapter;
 - (3) Policies and procedures for maintaining and updating a list of self-restricted persons, wherein the confidentiality of the list is protected pursuant to regulation 12466 and only agents or employees have access, unless needed by Division staff or law enforcement pursuant to an investigation or in assisting in a Problem Gambling program by an entity approved by the Commission;
 - (4) Policies and procedures that allow a patron to be excluded from certain games or gaming activities within the gambling establishment, if the gambling establishment determines that such segregation of games is feasible, or from the gambling establishment completely during the term of exclusion, with the exception of access for the sole purpose of carrying out the duties of employment, including:
 - (A) Removal procedures for patrons who attempt entry after requesting to be excluded,
 - (B) Notification to the Division of any incidents of removals where the police and/or security are called to remove a person from the premises, and

- (C) Forfeiture of any money or prizes won or any losses recovered by an excluded person and the remittance of such for deposit into the Gambling Addiction Program Fund for problem gambling prevention and treatment services through the Department of Alcohol and Drug Programs, Office of Problem and Pathological Gambling;
- (5) Policies and procedures that allow a patron to be excluded from access to check cashing or the issuance of credit during the term of restriction;
- (6) Policies and procedures that allow a patron to be excluded from customer lists maintained by the licensee for direct mail marketing, telephone marketing, and other direct marketing regarding gaming opportunities or promotions at the gambling establishment during the term of restriction;
- (7) Policies and procedures for removal of a patron from check-cashing, credit, or marketing opportunities by the gambling establishment.
- (b) This section does not mandate that a gambling establishment provide the services of a notary public for persons who wish to complete the Self-Restriction form.

Authority: Sections 19811, 19840, 19841(o), and 19920, Business and Professions Code.

Reference: Sections 19801, 19920, and 19954, Business and Professions Code. Section 4369.4, Welfare and Institutions Code.

12464. Self-Exclusion Program.

- (a) Licensees shall implement, by July 1, 2007, a program that allows patrons to self-exclude themselves from gambling establishments using a form entitled "Self-Exclusion Form" CGCC-037 (New 09-06), attached in Appendix A to this Chapter. Such program shall contain, at a minimum, the following:
- (1) Policies and procedures for providing Self-Exclusion forms and for sending any completed Self-Exclusion forms to the Division;
- (2) Policies and procedures for maintaining and updating a list of self-excluded persons, wherein the confidentiality of the list is protected pursuant to regulation 12466 and only agents or employees have access, unless needed by Division staff or law enforcement pursuant to an investigation or in assisting in a Problem Gambling program by an entity approved by the Commission;
- (3) Policies and procedures designed to thwart self-excluded patrons, as noticed by the Commission or Division, from entering the gambling area during the term of exclusion, with the exception of access for the sole purpose of carrying out the duties of employment, including removal procedures for patrons who attempt entry after requesting to be excluded and notification to the Division of any incidents of removals, where the police and/or security are called to remove a person from the premises;
- (4) Policies and procedures for the forfeiture of any money or prizes won or any losses recovered by an excluded person and the remittance of such for deposit into the Gambling Addiction Program Fund for problem gambling prevention and treatment services through the Department of Alcohol and Drug Programs, Office of Problem and Pathological Gambling;
- (5) Policies and procedures for removal of a patron from customer lists maintained by the licensee for direct mail marketing, telephone marketing, and other direct

1 marketing regarding gaming opportunities or promotions at the gambling
2 establishment;
3 (6) Policies and procedures for removal of a patron from check-cashing, credit, or
4 marketing opportunities by the gambling establishment.
5 (b) This section does not mandate that a gambling establishment provide the services
6 of a notary public for persons who wish to complete the Self-Exclusion form.
7 **Authority:** Sections 19811, 19840, 19841(o), and 19920, Business and Professions Code.
8 **Reference:** Sections 19801, 19920, and 19954, Business and Professions Code. Section 4369.4, Welfare
9 and Institutions Code.

11 **12466. Responsible Gambling Program Review**

- 12 (a) The Executive Director or Division staff may require that any licensee make available
13 for review or submit any of the elements of its program described in this Article, to the
14 Executive Director or Division staff for review. If the Commission makes an
15 administrative determination that the licensee's program does not adequately address
16 the standards as set forth in this Article, then the Executive Director may issue such a
17 determination identifying the deficiencies and specifying a time certain within which
18 those deficiencies shall be cured. Judicial review of the Executive Director's decision
19 is subject to the limitation of Business and Professions Code Section 19804.
20 (b) Failure by a licensee to establish the programs set forth in this Article, or to cure a
21 deficiency identified pursuant to subsection (a), constitutes an unsuitable method of
22 operation and is in violation of this section.
23 (c) Protecting the confidentiality of self-restriction or self-exclusion lists includes:
24 (1) Not willfully disseminating self-excluded or self-restricted patrons' names, photos,
25 or other personally identifying information to third parties or confirming to third
26 parties whether or not a patron is on a self-exclusion or self-restriction list.
27 (2) Not posting self-excluded or self-restricted patron photos or other personally
28 identifying information in areas where other patrons would readily notice the
29 information.
30 (d) In addition to any other remedy under the Gambling Control Act, the Commission may
31 assess a monetary penalty not exceeding \$1,000 for each violation of this Article.
32 (e) This Article does not create any right or cause of action on behalf of an individual who
33 participates in self-restriction or self-exclusion under this Article against the state of
34 California, the California Gambling Control Commission, the Division of Gambling
35 Control, the Office of Problem Gambling, or any gambling establishment.

36 **Authority:** Sections 19811, 19840, 19841(o), and 19920, Business and Professions Code.

37 **Reference:** Sections 19801 and 19920, Business and Professions Code. Section 4369.4, Welfare and
38 Institutions Code.

40 **Appendix A**



SELF-RESTRICTION FORM

Type or print (in ink) all information requested on this form.

If additional space is needed, please note response on a separate sheet of paper and attach to the form.

SECTION 1: PERSONAL INFORMATION

Full Legal Name:

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First

Middle (if applicable)

Last

Other Names (Former Names (such as Maiden names), Nicknames, or Aliases / A.K.A.'s):

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Home Address:

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Street

City

State

Zip Code

Mailing Address (if different than Home Address):

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Street

City

State

Zip Code

Home Telephone Number:

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Business Number:

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Games most often played:

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SECTION 2: RESTRICTION FOR _____ (Name of Cardroom or participating gambling facility)

TOTAL EXCLUSION: Initial Appropriate Term: One Year _____ Five Years _____ Lifetime _____

Please delete me from any MARKETING or PROMOTIONAL information: ☐

Please exclude me from this GAME or GAMING ACTIVITY _____

Please restrict me from any CHECK-CASHING privileges: ☐ Or Limit as follows: _____

Please restrict me from any CREDIT : ☐ Or Limit as follows: _____

SECTION 3: PHOTO AND VISUAL DESCRIPTION

Gender: Male ☐ Female ☐ Date of Birth: _____ / _____ / _____ Race/Ethnicity: _____

Height: _____ Weight: _____ Hair Color/Type: _____ Eye Color: _____

Date of Photograph: _____ / _____ / _____ CA Drivers License: _____

Distinguishing marks (such as visible scars or tattoos – describe mark & location):

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Type of vehicle normally driven:

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License Plate:

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AFFIX A RECENT
PASSPORT QUALITY
PHOTOGRAPH
HERE SHOWING
HEAD AND SHOULDERS OF
PERSON TO BE EXCLUDED

SECTION 4: DECLARATION

I understand English or have had an interpreter read and explain this form to me from _____.
(Language)

I understand that the ultimate responsibility to limit my access to the Gambling Establishment or participating gambling facility or gaming services in the State of California remains mine alone.

I voluntarily seek to exclude or restrict myself as indicated in Section 2.

If I choose Total Exclusion:

(Initial Here) I agree that I will not attempt to enter and/or use any of the services or privileges of a California Gambling Establishment or participating gambling facility during the period checked in Section 2.

(Initial Here) I acknowledge and understand that should I attempt to enter a California Gambling Establishment or participating gambling facility or use the services of a Gambling Establishment or participating gambling facility during the Term of Exclusion, once identified, I shall be escorted from the Gambling Establishment or participating gambling facility and any winnings or prizes I may have accrued or losses recovered will be confiscated and remitted by the Gambling Establishment or participating gambling facility for deposit into the Gambling Addiction Program Fund for problem gambling prevention and treatment services through the Department of Alcohol and Drug Programs, Office of Problem and Pathological Gambling.

(Initial Here) This self-exclusion request is **irrevocable** during the time period checked in Section 2.

I understand that disclosure of certain information is necessary to effect my request for self-exclusion or restriction. Disclosure may also occur if needed for the conduct of an official investigation or if ordered by a court of competent jurisdiction.

I will not seek to hold the Gambling Establishment or participating gambling facility liable in any way should I enter a Gambling Establishment or participating gambling facility and/or use any of the services or privileges therein despite this exclusion/restriction request, and I agree to indemnify the State of California, the California Gambling Control Commission, the Division of Gambling Control and the Office of Problem Gambling for any liability relating to this request. Specifically, I for myself, my heirs, executors, administrators, successors, and assigns, hereby release and forever discharge the California Gambling Control Commission, the Division of Gambling Control, the Office of Problem Gambling, the Gambling Establishment, participating gambling facility, their agents, employees, officers, and Directors and those with whom they may lawfully share information regarding this exclusion or restriction (collectively, the "Released Parties") from any and all claims in law or equity that I now have, or may have in the future, against all or any of all of the Released Parties arising out of, or by reason of, the performance or non-performance of this self-exclusion/restriction request, or any matter relating thereto. I further agree, in consideration for the Released Parties' efforts to implement my exclusion or restriction, to indemnify and hold harmless the Released Parties to fullest extent permitted by law for any and all liabilities, judgments, damages, and expenses of any kind, including reasonable attorneys' fees, resulting from or in connection with the performance or non-performance of the self-exclusion/restriction requested herein.

I declare that all information submitted on or with this self-restriction form is true, correct, and complete.

Signature: _____

Print Name: _____

Date: _____

SECTION 5: NOTARIZATION

Subscribed and sworn to (or affirmed) before me this _____ day of _____, 20_____,

By _____,
☐ personally known to me OR ☐ proved to me on the basis of satisfactory evidence to be the person who appeared before me.

Notary Public Seal:

Signature _____
My Commission expires on: _____ / _____ / _____

OR

WITNESS BY KEY EMPLOYEE

As a Key Employee of _____, I
(name of Establishment or participating facility)
affirm that on _____ day of _____, 20_____,
I witnessed _____,
(individual's name)

complete this form and that this person is:

☐ personally known to me OR
☐ proved to me on the basis of satisfactory evidence to be the person who appeared before me.

Signature of Key Employee _____



SELF-EXCLUSION FORM

Type or print (in ink) all information requested on this form.

If additional space is needed, please note response on a separate sheet of paper and attach to the form.

You may hand this completed form in to any Cardroom or participating gambling facility, to the Division of Gambling Control, or the California Gambling Control Commission. Or you may mail this completed form to: **Division of Gambling Control, P.O. Box 168024, Sacramento, CA 95816.**

SECTION 1: PERSONAL INFORMATION

Full Legal Name:

First	Middle (if applicable)	Last

Other Names (Former Names (such as Maiden names), Nicknames, or Aliases / A.K.A.'s):

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Home Address:

Street	City	State	Zip Code

Mailing Address (if different than Home Address):

Street	City	State	Zip Code

Home Telephone Number:

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Business Number:

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Games most often played:

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SECTION 2: TERM OF EXCLUSION

Please Initial Appropriate Term: One Year _____ Five Years _____ Lifetime _____

SECTION 3: PHOTO AND VISUAL DESCRIPTION

Gender: Male ☐ Female ☐ Date of Birth: / / Race/Ethnicity:

Height: Weight: Hair Color/Type: Eye Color:

Date of Photograph: / / CA Drivers License:

Distinguishing marks (such as visible scars or tattoos – describe mark & location):

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Type of vehicle normally driven:

--

License Plate:

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AFFIX A RECENT
PASSPORT QUALITY
PHOTOGRAPH
HERE SHOWING
HEAD AND SHOULDERS OF
PERSON TO BE EXCLUDED

SECTION 4: DECLARATION

I understand English or have had an interpreter read and explain this form to me from _____.
(Language)

I voluntarily seek to exclude myself as described checked in Section 2.

(Initial Here)

I agree that I will not attempt to enter and/or use any of the services or privileges of a California Gambling Establishment or participating gambling facility during the period checked in Section 2.

(Initial Here)

I acknowledge and understand that should I attempt to enter a California Gambling Establishment or participating gambling facility or use the services of a Gambling Establishment or participating gambling facility during the Term of Exclusion, once identified, I shall be escorted from the Gambling Establishment or participating gambling facility and any winnings or prizes I may have accrued or losses recovered will be confiscated and remitted by the Gambling Establishment or participating gambling facility for deposit into the Gambling Addiction Program Fund for problem gambling prevention and treatment services through the Department of Alcohol and Drug Programs, Office of Problem and Pathological Gambling.

I understand that the ultimate responsibility to limit my access to the Gambling Establishment or participating gambling facility or gaming services in the State of California remains mine alone.

(Initial Here)

This self-exclusion request is **irrevocable** during the time period checked in Section 2.

I understand that disclosure of certain information is necessary to effect my request for self-exclusion.

I understand that my information will be added to a statewide exclusion database. Disclosure may also occur if needed for the conduct of an official investigation or if ordered by a court of competent jurisdiction.

I will not seek to hold the Gambling Establishment or participating gambling facility liable in any way should I enter a Gambling Establishment or participating gambling facility and/or use any of the services or privileges therein despite this exclusion request, and I agree to indemnify the State of California, the California Gambling Control Commission, the Division of Gambling Control, and the Office of Problem Gambling for any liability relating to this request. Specifically, I for myself, my heirs, executors, administrators, successors, and assigns, hereby release and forever discharge the California Gambling Control Commission, the Division of Gambling Control, the Office of Problem Gambling, the Gambling Establishment or participating gambling facility, their agents, employees, officers, and Directors and those with whom they may lawfully share information regarding this exclusion (collectively, the "Released Parties") from any and all claims in law or equity that I now have, or may have in the future, against all or any of all of the Released Parties arising out of, or by reason of, the performance or non-performance of this self-exclusion request, or any matter relating thereto. I further agree, in consideration for the Released Parties' efforts to implement my exclusion, to indemnify and hold harmless the Released Parties to fullest extent permitted by law for any and all liabilities, judgments, damages, and expenses of any kind, including reasonable attorneys' fees, resulting from or in connection with the performance or non-performance of the self-exclusion requested herein.

I declare that all information submitted on or with this self-exclusion form is true, correct, and complete.

Signature: _____

Print Name: _____

Date: _____

SECTION 5: NOTARIZATION

Subscribed and sworn to (or affirmed) before me this _____ day of _____, 20_____,

By _____,

☐ personally known to me OR ☐ proved to me on the basis of satisfactory evidence to be the person who appeared before me.

Notary Public Seal:

Signature of Notary Public _____

My Commission expires on: _____

OR

WITNESS BY KEY EMPLOYEE

As a Key Employee of _____, I affirm that on _____ day of _____, 20_____,

(name of Establishment or participating facility)

I witnessed _____,
(individual's name)

complete this form and that this person is:

☐ personally known to me OR

☐ proved to me on the basis of satisfactory evidence to be the person who appeared before me.

Signature of Key Employee _____